

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDDIE WAGLE,

Plaintiff,

CIVIL ACTION NO. 10-CV-10506

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

B. SKUTT, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

ORDER GRANTING MDOC DEFENDANTS' MOTION TO STAY DISCOVERY
(DOCKET NO. 97)

This is a *pro se* civil rights action filed by a Michigan state prisoner. Defendants Dr. George Pramstaller and Lynda Zeller have filed a Motion for Summary Judgment (docket no. 96) which is pending now. In connection with that motion, these same two Defendants filed a Motion to Stay Discovery. (Docket no. 97). Plaintiff has filed a response to the Motion to Stay Discovery. (Docket no. 99). All pretrial matters have been referred to the undersigned for action. (Docket no. 7). The Court dispenses with oral argument on the motion pursuant to E.D. Mich. LR 7.1(f). The motion is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff served his First Requests for Production of Documents on Defendants Pramstaller and Zeller on July 28, 2011. (Docket no. 97, ex. 1). On August 10, 2011 Defendants Pramstaller and Zeller moved for a stay of discovery until the Court resolves the qualified immunity issue raised in their pending Motion for Summary Judgment. (Docket no. 97). Because this is a *pro se* prisoner proceeding it is exempted from the initial disclosure requirements of Fed. R. Civ. P. 26. Fed. R. Civ. P. 26(a)(1)(B)(iv). In addition, Defendants raise the defense of qualified immunity as state

employees in their Motion for Summary Judgment. (Docket no. 96). The Sixth Circuit has made clear that when such a motion is filed discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6th Cir.2002). In accordance with this authority, discovery will be stayed pending consideration of Defendant Pramstaller and Zeller's summary judgment motion.

IT IS THEREFORE ORDERED that the MDOC Defendants' Motion to Stay Discovery (docket no. 97) is **GRANTED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 2, 2011

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Eddie Wagle and Counsel of Record on this date.

Dated: September 2, 2011

s/ Lisa C. Bartlett

Case Manager